

Regular Session, 2009

# ACT No. 134

HOUSE BILL NO. 333

BY REPRESENTATIVES KLECKLEY, ANDERS, ARMES, AUBERT, AUSTIN BADON, BOBBY BADON, BALDONE, BARRAS, BARROW, BILLIOT, CARMODY, CARTER, CHAMPAGNE, CHANDLER, CONNICK, CORTEZ, CROMER, EDWARDS, FOIL, GISCLAIR, MICKEY GUILLORY, HARDY, HARRISON, HAZEL, HENDERSON, HILL, HOFFMANN, HUTTER, MICHAEL JACKSON, ROSALIND JONES, SAM JONES, KATZ, LANDRY, LIGI, LOPINTO, MCVEA, MILLS, MONICA, PEARSON, PERRY, POPE, RICHARD, RICHARDSON, RICHMOND, RITCHIE, ROY, SIMON, SMILEY, GARY SMITH, JANE SMITH, ST. GERMAIN, TALBOT, WHITE, WILLIAMS, AND WILLMOTT AND SENATORS BROOME, DUPRE, HEBERT, MORRISH, QUINN, AND THOMPSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To enact R.S. 22:1337, relative to homeowners' insurance and certain fire and allied lines  
3 insurance; to provide for limitations on named-storm, hurricane, and wind and hail  
4 deductibles; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 22:1337 is hereby enacted to read as follows:

7 §1337. Homeowners' insurance deductibles applied to named-storms, hurricanes,  
8 and wind and hail deductibles

9 A. For purposes of this Section, the following definitions shall apply:

10 (1) "Hurricane" means a storm system that has been declared a hurricane by  
11 the National Hurricane Center of the National Weather Service.

12 (2) "Named storm" means a storm system that has been declared a named  
13 storm by the National Hurricane Center of the National Weather Service.

14 (3) "Separate deductible" means a deductible that applies to damage incurred  
15 during a specified weather event and may be expressed as a percentage of the insured  
16 value of the property or as a specific dollar amount and includes hurricane, named-  
17 storm, and wind and hail deductibles.

18 B. For all homeowners' insurance policies or other policies insuring a one-  
19 or two-family owner occupied premises for fire and allied lines, issued or renewed

1           by authorized insurers on or after January 1, 2010, any separate deductible that  
2           applies in place of any other deductible to loss or damage resulting from a named  
3           storm or hurricane shall be applied on an annual basis to all named-storm or  
4           hurricane losses that are subject to the separate deductible during the calendar year.

5           C. If an insured incurs named-storm or hurricane losses from more than one  
6           named storm or hurricane during a calendar year that are subject to the separate  
7           deductible referred to in Subsection B of this Section, the insurer may apply a  
8           deductible to the succeeding named storms or hurricanes that is equal to the  
9           remaining amount of the separate deductible, or the amount of the deductible that  
10          applies to all perils other than a named storm or hurricane, whichever is greater.  
11          Insurers may require policyholders to maintain receipts or other records of such  
12          losses in order to apply such losses to subsequent named-storm or hurricane claims.

13          Section 2. This Act shall become effective upon signature by the governor or, if not  
14          signed by the governor, upon expiration of the time for bills to become law without signature  
15          by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
16          vetoed by the governor and subsequently approved by the legislature, this Act shall become  
17          effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_